

COMMITTEE REPORT

MADAM PRESIDENT:

The Senate Committee on Commerce, Public Policy and Interstate Cooperation, to which was referred House Bill No. 1376, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

- 1 Page 3, line 23, strike "or".
- 2 Page 3, line 24, after "origin;" insert "**or**
- 3 **(5) other proof of ownership or evidence of right of possession**
- 4 **as determined by the secretary of state;"**.
- 5 Page 3, line 41, after "ownership" insert "**or evidence of right of**
- 6 **possession"**.
- 7 Page 3, line 41, strike "bureau;" and insert "**secretary of state;"**.
- 8 Page 4, between lines 35 and 36, begin a new paragraph and insert:
- 9 "SECTION 10. IC 9-23-2-2, AS AMENDED BY P.L.184-2007,
- 10 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 11 JULY 1, 2009]: Sec. 2. (a) An application for a license under this
- 12 chapter must:
- 13 (1) be accompanied by the fee required under IC 9-29-8;
- 14 (2) be on a form prescribed by the secretary of state; ~~and~~
- 15 (3) contain the information the secretary of state considers
- 16 necessary to enable the secretary of state to determine fully the
- 17 following information:
- 18 (A) The qualifications and eligibility of the applicant to
- 19 receive the license.
- 20 (B) The location of each of the applicant's places of business
- 21 in Indiana.

1 (C) The ability of the applicant to conduct properly the
 2 business for which the application is submitted; **and**

3 **(4) contain evidence of the bond required in subsection (e).**

4 (b) An application for a license as a dealer must show whether the
 5 applicant proposes to sell new or used motor vehicles, or both.

6 (c) An applicant who proposes to use the Internet or other computer
 7 network in aid of its sale of motor vehicles to consumers in Indiana,
 8 which activities may result in the creation of business records outside
 9 Indiana, shall provide the division with the name, address, and
 10 telephone number of the person who has control of those business
 11 records. The secretary of state may not issue a license to a dealer who
 12 transacts business in this manner who does not have an established
 13 place of business in Indiana.

14 (d) This subsection applies to an application for a license as a dealer
 15 in a city having a population of more than ninety thousand (90,000) but
 16 less than one hundred five thousand (105,000). The application must
 17 include an affidavit from:

18 (1) the person charged with enforcing a zoning ordinance
 19 described in this subsection; or

20 (2) the zoning enforcement officer under IC 36-7-4, if one exists;
 21 who has jurisdiction over the real property where the applicant wants
 22 to operate as a dealer. The affidavit must state that the proposed
 23 location is zoned for the operation of a dealer's establishment. The
 24 applicant may file the affidavit at any time after the filing of the
 25 application. However, the secretary of state may not issue a license
 26 until the applicant files the affidavit.

27 **(e) A licensee shall maintain a bond satisfactory to the secretary**
 28 **of state in the amount of twenty-five thousand dollars (\$25,000),**
 29 **which must:**

30 **(1) be in favor of the state; and**

31 **(2) secure payment of fines, penalties, costs, and fees assessed**
 32 **by the secretary of state after notice, opportunity for a**
 33 **hearing, and opportunity for judicial review, in addition to**
 34 **securing the payment of damages to a person aggrieved by a**
 35 **violation of this chapter by the licensee after a judgment has**
 36 **been issued.**

37 **(f) Service shall be made in accordance with the Indiana Rules**
 38 **of Trial Procedure."**

39 Page 5, line 3, delete "The rules may require appropriate training
 40 for".

41 Page 5, delete line 4.

42 Page 6, line 23, strike "Seventy percent (70%)" and insert **"Forty**

1 **percent (40%)".**

2 Page 6, between lines 23 and 24, begin a new line block indented
3 and insert:

4 **"(3) Twenty percent (20%) to the state police department for**
5 **use in enforcing odometer laws.**

6 **(4) Ten percent (10%) to the attorney general for use in**
7 **enforcing odometer laws."**

8 Renumber all SECTIONS consecutively.

(Reference is to HB 1376 as reprinted February 17, 2009.)

and when so amended that said bill do pass .

Committee Vote: Yeas 11, Nays 0.

Senator Alting, Chairperson